

**REMARKS**

Claims 1, 3, 5-7, 10, 11 and 13-17 are pending in this application. The Office Action rejects claims 1, 3, 5-7, 10, 11 and 13-17 under 35 U.S.C. §§102(b) and 103(a) over U.S. Patent No. 6,278,965 to Glass et al. (hereinafter "Glass"). These rejections are respectfully traversed.

Regarding claims 1, 7, 10 and 16, the Office Action asserts that Glass teaches the features of these claims. The analysis of the Office Action fails for at least the following reasons.

Glass teaches an airport surface traffic data management system that acquires a variety of information to establish, predict and update reference data values for aircraft surface operations (Abstract). In Glass, information is loaded into a neutral, confidential and centralized prediction system (see col. 9, lines 48-54). The prediction subsystem 108 is responsible for integrating the input source 115 connected to the traffic advisor 100 to monitor the progress of arriving and departing flights, and to predict when key events will occur, including pushback, takeoff, touchdown, or gate arrival (see col. 13, lines 56-61). Thus, predictive information is provided to the client interface subsystem 110 without requiring disclosure of proprietary data to competitors (see col. 9, lines 52-54).

As indicated above, Glass acquires information from a variety of sources, including information provided by airlines, and fuses the data to generate data values related to individual flights. An example of this is described in col. 27, lines 1-12 of Glass, which describes two tables, flight\_arr and flight\_dep, where individual flight information is stored and updated. Glass states that data fusion is necessary because traffic advisor data sources vary and sometimes are in direct conflict (see col. 28, lines 3-6). The fused data stored in the database may then be distributed through the client interface subsystem 110 to various clients such as airports and airlines. Glass does not specifically disclose distributing raw data

provided by an airline. On the contrary, Glass specifically intends to protect such proprietary information provided by airlines (see col. 9, lines 42-54 of Glass).

As such, Glass does not teach at least the feature of at least one second airport operations advisor module networked with the airport management database to select and receive publicly available status information and the information the airline desires to share, as recited, for example, in claim 1, and similarly recited in claim 7. Rather, at most, Glass may use information from the airlines to generate flight objects and corresponding predictive values.

Likewise, the use of information from the airlines to generate flight objects and corresponding predictive values, does not correspond to gathering proprietary status information and selectively distributing the proprietary status information to authorized airport operations advisor modules, as recited in claim 10, and similarly recited in claim 16.

The Office Action, in paragraph 9, provides a limited response to the above arguments. The Office Action apparently relies on col. 10, lines 32-35 of Glass as allegedly disclosing at least one second airport operations advisory module networked with the airport management database to select and receive publicly available status information and the information the airline desires to share. However, the referenced portion of Glass merely states that "[f]or airlines that provide their proprietary data, the traffic advisor will display the assigned gate, the assigned ramp, the time the aircraft arrives at the gate, and the duration the aircraft takes from touchdown to gate." This limited disclosure does not teach the specific combinations of features as discussed above at least because this disclosure does not specify that the listed information is intended to be shared by the airline, or where the "display" will be provided. The disclosure of Glass, as a whole, does not support the interpretation of the Office Action. Rather, the interpretation of the Office Action is directly contrary to the other disclosures of Glass, in which disclosure of proprietary data is prevented.

The Office Action also relies on col. 23, lines 37-41 and 57; col. 30, lines 4-8; and col. 31, lines 4-5 and 14-18 of Glass, as allegedly disclosing the features of gathering proprietary status information; and selectively distributing the proprietary status information to authorized airport operations advisor modules. However, the Office Action again appears to be interpreting discrete statements in Glass without considering the teaching of the reference as a whole. Specifically, although the cited portions of Glass generally disclose "schedule data," "data," and "status data," these do not specifically correspond to selectively distributing the proprietary status information to authorized airport operations advisor modules.

For example, as indicated above, the prediction subsystem 108 of Glass is responsible for integrating, predicting and updating flight objects. The prediction subsystem is described, in detail, in col. 25, line 52 - col. 29, line 7. Thus, although Glass discusses, for example, airline users being sent "status data" only on those flights that they are allowed to see, "status data" is fetched from the database 105, which is updated by the prediction subsystem 108 (see col. 29, lines 29-31 and col. 27, lines 41-54). In other words, the "status data" does not specifically correspond to proprietary status information. Rather, such "objects" are products of the integrating, predicting and updating of the prediction subsystem, and apparently correspond to the "predictive information" provided without requiring disclosure of proprietary data. As such, Glass does not specifically teach selectively distributing the proprietary status information to authorized airport operations advisor modules, as recited in claim 10, and similarly recited in claim 16.

The Advisory Action attempts to dismiss these arguments by referring broadly to a "client authorization scheme" and continuing to disregard the disclosure of Glass as a whole. Applicants maintain that Glass is directed to providing predictive information to the client interface subsystem 110 without requiring disclosure of proprietary data to competitors. It is

improper for the Examiner to continue to interpret questionable features of the reference in a manner that is clearly contrary to the asserted objective of Glass itself.

In reviewing the anticipation standard, the Federal Circuit has stated "[t]o anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375 (Fed. Cir. 2001), *cert. denied*, 122 S. Ct. 1436 (2002) (emphasis added). *See also Sandisk Corp. v. Lexar Media, Inc.*, 91 F. Supp. 2d 1327, 1336 (N.D. Calif. 2000) (stating that "[u]nless all the elements are found in a single piece of prior art in exactly the same situation and united the same way to perform the identical function, there is no anticipation.") and *Aero Industries Inc. v. John Donovan Enterprises-Florida Inc.*, 53 USPQ2d 1547, 1555 (S.D. Ind. 1999) (stating that "[n]ot only must a prior patent or publication contain all of the claimed elements of the patent claim being challenged, but they 'must be arranged as in the patented device' "). This standard for anticipation is also set forth in MPEP §2131, which states that "the identical invention must be shown in as much detail as is contained in the ... claim." The Office Action's broad application of the limited disclosures of Glass does not meet the standard for anticipation, especially when considered in the context of Glass as a whole.

In view of the foregoing, Applicants respectfully requests that the Review Panel review the substance of the August 1, 2007 rejection in light of the above remarks. Applicant believes that upon such review, the Review Panel will determine that at least the rejections of claims 1, 7, 10 and 16, and the claims depending therefrom, are unreasonable. In this regard, favorable reconsideration and prompt allowance of claims 1, 3, 5-7, 10, 11 and 13-17 are earnestly solicited.